

### **REMARKS**

Claims 1-25 are pending in this Application. In the Office Action, Claims 1-8 and 11-24 were rejected; Claims 9 and 10 were objected to as depending from a rejected base claim; and Claim 25 was neither rejected nor allowed. By this Response, Claims 18 and 24 are amended to correct typographical errors, and Claim 19 is cancelled.

In the Office Action, the Examiner objected to the drawings as failing to show every feature of the inventions of Claims 17 and 18. Specifically, the Examiner argued the channel of Claims 17 and 18 are not shown in the drawings. Applicant respectfully disagrees. The channels of Claims 17 and 18 are identified by reference numeral 54, and are clearly illustrated in Figures 2-7. The channels (54) are also described in the "Detailed Description" section of the Application at page 11, lines 18-23:

More particularly, in the present embodiment, the front head 28 includes plural channels 54. The channels 54 extend through the front head 28 from the reservoir 34 into the draft chamber 51. Fluid flow through the first channels 54 are each controlled by respective check valves 55. The check valves 55 open during buff movement of the piston 24, enabling fluid to flow into the draft chamber 51 from the reservoir 34, thus equalizing the pressure in the chamber 40.

In view of the original disclosure and the correction of the typographical error in Claim 18 and the cancellation of Claim 19, Applicant submits the original drawings show every feature of the claimed invention.

The Examiner rejected Claims 1-4, 13-15, 18, 20, 22-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,357,612 ("Monaco"). Applicant respectfully traverses this rejection. In order for a reference to act as a §102 bar to patentability, the reference must teach each and every element of the claimed invention. Monaco does not teach each and every element of the invention claimed by Claims 1-4. Therefore, it is improper to maintain such rejections.

As submitted, Claim 1 is directed to "[a] rail car cushioning device connected to a coupler, *being switchable between a locked mode and a cushioning mode.*" The switchable functionality is provided by "a valve assembly." The valve assembly includes "a valve body having an inlet opening and an outlet opening defining a passageway." The locked mode is

achieved as “a valve member interposed in the passageway [is] movable between an open position and a closed position to control fluid flow through the passageway.” Monaco does not disclose such a switchable functionality or the valve member assembly for achieving the locked mode.

Monaco discloses a rail car cushioning device. However, the cushioning device of Monaco is not switchable between a locked mode and a cushioning mode. The cushioning device of Monaco is permanently in a cushioning mode, and does not have a locked mode. The valve assemblies (72) of Monaco do not provide a locked mode functionality. Rather, the valve assemblies (72) of Monaco are biased spring backed valves. The valves are biased in the closed position, and are open when the buff impact force exceeds a threshold value (75,000 lbs). The valves close when the buff impact force is below or falls below the threshold value. (See Monaco at col. 5, lines-51-53).

When the cushioning device of Claim 1 is in the locked mode, fluid flow into the reservoir via the passageway is *prevented* regardless of the pressure, i.e. fluid flow is not dependent on a threshold pressure. This differs significantly from the structure of Monaco where the fluid flow is not *prevented*, but is instead only restricted up to a threshold pressure. Thus, Monaco does not disclose the invention of Claim 1. Claims 2-4 depend from Claim 1. Accordingly, Applicant submits Claims 1-4 are in condition for allowance.

Claim 3 is not anticipated by Monaco for the further reason that Monaco does not teach the locked mode wherein the valve of Claim 1 is in a closed position, and the fluid is prevented from flowing through the valve assembly, preventing the piston from stroking and forming a relatively rigid structure. As set forth in regard to Claim 1, Monaco does not disclose the locked mode of Claim 1. Moreover, Monaco does not disclose a locked mode wherein the piston is prevented from stroking, forming a relatively rigid structure. Rather, the cushioning device of Monaco is always in a cushioning mode and is operable (i.e. the piston is not prevented from stroking). Therefore, Claim 3 is not anticipated by Monaco, and Applicant submits that Claim 3 is in condition for allowance.

Claim 4 is not anticipated by Monaco for the further reason that Monaco does not teach the valve of Claim 1 wherein the valve assembly further comprises a valve actuator for controlling movement of the valve member. The valves (72) of Monaco are biased spring

backed valves which open when a threshold pressure is reached. As such, the valve (72) movement is not controlled by a valve actuator. Therefore, Claim 4 is not anticipated by Monaco, and Applicant submits that Claim 4 is in condition for allowance.

The Examiner also rejected Claims 5, 6, 21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Monaco in view of U.S. Patent No. 3,599,803 ("Cope"). In view of the traverse of the rejection of Claim 1-4, Applicant submits these claims are in condition for allowance. Applicant further traverses the rejection in view of Cope.

Monaco in combination with Cope does not teach a controller in communication with the valve actuator for controlling the valve in a cushioning device. According to the Examiner, Cope merely teaches a controller for controlling the opening and closing of a coupler rather than the opening and closing of a valve between a cylinder and a reservoir of a cushioning device. There is nothing within Monaco or Cope to suggest using a controller to perform the lock mode function in the cushioning device of Claims 5, 6, 21, and 24. Therefore, Claims 5, 6, 21 and 24 are patentable over Monaco in view of Cope.

The Examiner also rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Monaco in view of Cope and further in view of U.S. Patent No. 5,586,669 ("Seay I"). In view of the traverse of Claims 1, 5, 6, 21, and 24, Applicant submits these claims are in condition for allowance. Applicant further traverses the rejection in view of Seay I.

Monaco in combination with Cope and Seay I does not teach a proximity sensor which detects the movement of an approaching car and sends an indicating signal to the controller which is in communication with the valve actuator which controls the valve in a cushioning device. Seay I merely teaches a sensor for detecting cushioning unit *failure*. There is nothing within Monaco, Cope or Seay I to suggest using a proximity sensor which detects the movement of an approaching car in the cushioning device of Claim 7. Therefore, Claim 7 is patentable over Monaco in view of Cope and Seay I.

The Examiner also rejected Claims 8, 11, 15, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Monaco in view of U.S. Patent No. 3,301,410 ("Seay II"). In view of the above traverse of Claim 1, Applicant submits these claims are in condition for allowance.

The Examiner also rejected Claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Monaco in view of U.S. Patent No. 4,040,523 ("Carle"). In view of the above traverse of Claim 1, Applicant submit that these claims are in condition for allowance.

The Examiner also rejected Claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Monaco in view of U.S. Patent No. 3,525,449 ("Zanow"). In view of the above traverse of Claim 1, Applicant submits these claims are in condition for allowance.

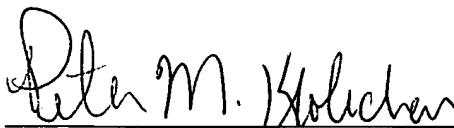
The Examiner failed to address Claim 25 in the Office Action. The Examiner also failed to address Applicant's arguments in regard to Claim 25 after Claim 25 was amended in response to the previous Office Action. As previously amended, Claim 25 requires a remotely controlled valve having a closed position that inhibits buff movement of the piston by blocking fluid flow as well as a plurality of check valves in fluid communication with the piston chamber and the reservoir to allow draft movement of the piston when the remotely controlled valve is in the closed position. Applicant respectfully submits the cited references do not teach the arrangement of Claim 25. Therefore, Applicant further submits Claim 25 is in condition for allowance.

In view of the foregoing, Applicant submits the Application is condition for allowance, and respectfully request timely notice of same. If deficiencies remain, the Examiner may contact the undersigned to facilitate allowance of this case.

Respectfully submitted,

Dated: November 17, 2005

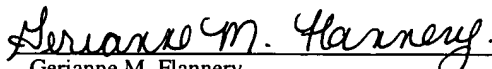
By:

  
Peter M. Klobuchar, Reg. No. 43,722  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630  
312.554.3300

---

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on November 17, 2005

  
Gerianne M. Flannery  
235527